

1           Vanessa R. Waldref  
2           United States Attorney  
3           Eastern District of Washington  
4           Thomas J. Hanlon  
5           Assistant United States Attorney  
6           402 E. Yakima Ave., Suite 210  
Yakima, WA 98901  
Telephone: (509) 454-4425

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA, ) NO: 1:22-CR-02073-SAB-1  
Plaintiff, )  
vs. ) PLAINTIFF'S SENTENCING  
EDUARDO VALENCIA, ) MEMORANDUM  
Defendant. )  
)

Plaintiff, United States of America, by and through Vanessa R. Waldref,  
United States Attorney for the Eastern District of Washington, and Thomas J.  
Hanlon, Assistant United States Attorney, submits the following sentencing  
memorandum:

J.

## OFFENSE LEVEL & CRIMINAL HISTORY

As to Count 1, the United States believes that (1) the total offense level is 24; (3) criminal history category is III; and (4) the guideline range is 63-78 months.

1 As to Count 2, the United States agrees with the calculations in the  
2 Presentence Investigation Report (“PIR”), the guideline range is 7 years (84  
3 months) consecutive to Count 1.  
4

5 Here, the United States recommends that the Court impose a sentence of 162  
6 months confinement.  
7

8 II.

9 DEPARTURES  
10

11 The government is not recommending a departure from the guidelines.  
12

13 III.  
14

15 SENTENCING FACTORS UNDER 18 U.S.C. §3553(a)  
16

17 In determining the appropriate sentence, this Court should consider the  
18 factors as set forth in 18 U.S.C. § 3553(a).  
19

20 1. The nature and circumstances of the offense and the history and  
21 characteristics of Defendant.

22 The current offense was a premeditated violent crime. Here, the Defendant  
23 and his accomplice entered a store wearing masks and gloves. The Defendant and  
24 his accomplice displayed firearms and threatened the victim. The victim was  
25 subsequently assaulted and suffered injuries. The victim was terrorized due to the  
26 actions of the Defendant and his accomplice.

27 The Defendant is a documented Sureno gang member. The Defendant has a  
28 lengthy criminal history which includes violent crimes. In 2003, the Defendant

1 struck the victim in the face with his fist. The Defendant was provided with an  
2 opportunity to take advantage of a Stipulated Order of Continuance (“SOC.”)  
3 However, the Defendant failed to appear for hearings and he ultimately was  
4 sentenced to 90 days in jail. In 2006, the Defendant stabbed a victim in the  
5 stomach and stole his wallet. The victim was then forced into the trunk of a car  
6 and transported to a neighboring city. The victim was subsequently able to escape  
7 from the trunk. The Defendant was sentenced to 29 months in prison.  
8

9  
10       In addition to the above violent offenses, between 2001 and 2009, the  
11 Defendant was convicted of the following offenses in State court: (1) Reckless  
12 Driving (2001); (2) Possession of Drug Paraphernalia (2001 and 2003); (3)  
13 Residential Burglary (2001); (4) First Degree Possession of Stolen Property  
14 (2003); (5) Second Degree Theft (2004); (6) Third Degree Theft (2003); (7) Third  
15 Degree Malicious Mischief (2003); (8) Creating Disturbance in Jail (2004); (9)  
16 Second Degree Malicious Mischief (2006); and (10) Third Degree Theft and  
17 Vehicle Prowling (2009).  
18

19  
20       In 2010, the Defendant first appeared in Federal court after being charged  
21 with being a felon in possession of a firearm. The Defendant was sentenced to 77  
22 months imprisonment to be followed by three years of supervised release. At that  
23 time, the Defendant advised he “was ready for a change.” He acknowledged he  
24 had made bad decisions throughout his life but realized all the time previously  
25  
26  
27  
28

1 spent in jail had been a waste of time. In 2016, after serving his term of  
2 imprisonment, the Defendant repeatedly failed on supervision. The Defendant  
3 continued to use controlled substances, failed to report to his probation officer,  
4 failed to submit to testing, and failed to attend follow-up substance abuse treatment  
5 appointments. The Defendant's supervised release was revoked on two occasions.  
6  
7 On June 20, 2020, a violation report was filed due to the Defendant's use of  
8 methamphetamine. The Defendant's supervised release expired on July 25, 2020.  
9 Four months later, the Defendant committed the instant violent crime.  
10  
11

12 The Defendant has advised that he is "really hurt" and he wants the Court to  
13 know he loves his children and was trying to be a productive father. The United  
14 States would note that the Defendant owes over \$45,000 in child support  
15 payments. It appears the Defendant was employed but quit because "he needed to  
16 provide his social security number as part of a urine testing process."  
17  
18

19       2. The need for the sentence imposed to reflect the seriousness of the  
20       offense, promote respect for the law, and to provide just punishment.

21       The current offense is serious. A term of imprisonment is necessary to  
22 reflect the seriousness of the offense, promote respect for the law, and to provide  
23 just punishment. The United States submits that a sentence of 162 months  
24 imprisonment is required and is necessary to promote respect for the law, and to  
25 provide just punishment.  
26  
27

1       3. The need for the sentence imposed to afford adequate deterrence to  
2       criminal conduct.

3             Despite his criminal history, the Defendant has not been deterred from  
4             engaging in criminal activity. Prior terms of incarceration have failed to deter the  
5             Defendant from committing violent crimes. Here, the Defendant's supervised  
6             release expired just four months prior to the instant offense. The United States  
7             submits that a lengthy term of imprisonment is required.  
8

9       10      4. The need for the sentence imposed to protect the public from further  
11       crimes of Defendant.

12             The Defendant is a violent documented gang member and a danger to the  
13             community. In 2003, the Defendant assaulted a male with his fist. In 2004, the  
14             Defendant stabbed a victim with a knife and forced him into the trunk of a car.  
15             Now, the Defendant participated in a planned robbery and assaulted the victim  
16             with a firearm. The United States is concerned about this progression- hands,  
17             knife, and now firearm.  
18

19             The United States submits the only way to protect the public is to impose a  
20             lengthy term of incarceration. The Defendant's long history and the current  
21             offense establish that the Defendant has no concerns about engaging in violent acts  
22             and causing physical and emotional pain to victims. The Defendant's history also  
23             establishes that his behavior cannot be controlled by orders issues from the Court.  
24             The Defendant has repeatedly demonstrated that he simply will not follow orders.  
25  
26

1 In 2001, defendant failed to appear for multiple hearings resulting in warrants. In  
2 2003, defendant failed to appear for multiple hearings resulting in warrants. In  
3 2004, defendant charged with bail jumping but dropped as part of plea bargain.  
4 Between 2007 and 2009, the Defendant was involved in 11 noncompliance  
5 hearings with the Department of Corrections. After serving a term of  
6 imprisonment, between 2019 and 2020, the Defendant's supervised release was  
7 revoked twice due to non-compliance.

8 After committing the instant offense (November 18, 2020) but before federal  
9 charges were ultimately filed (July 12, 2022), the Defendant was charged in state  
10 court with multiple crimes: Forgery (Benton County Superior Court), Theft  
11 (Benton County District Court), First Degree Theft (Yakima County Superior  
12 Court), and Theft of a Motor Vehicle (Yakima County Superior Court).

13 The Courts have tried to help the Defendant. He was provided with an  
14 opportunity to take advantage of a SOC, but ultimately was sentenced to jail. The  
15 Defendant has served terms of community supervision. The Defendant was  
16 provided with an opportunity participate in a drug program at the Snohomish  
17 County jail. The Defendant has been provided with inpatient drug treatment at  
18 Pioneer Human Services. The Defendant was also provided with an opportunity to  
19 participate in outpatient services. However, nothing has worked as the Defendant  
20  
21  
22  
23  
24  
25  
26  
27  
28

continues to use drugs and commit crimes. The Defendant will likely fail if ordered into future treatment as the Defendant “does not really think he needs it.”

5. The need for the sentence imposed to provide Defendant with needed educational or vocational training, medical care, or other correctional treatment in the most effective manner.

The Defendant appears to be in need of educational training.

IV.

## GOVERNMENT'S SENTENCING RECOMMENDATION

The government recommends that the Court impose a sentence of 162 months to be followed by 5 years of supervised release.

Respectfully submitted this 30th day of May 2024.

VANESSA R. WALDREF  
United States Attorney

s\ Thomas J. Hanlon  
THOMAS J. HANLON  
Assistant United States Attorney

1 I hereby certify that on May 30, 2024, I electronically filed the foregoing  
2 with the Clerk of the Court using the CM/ECF which will send notification of such  
3 filing to the following: Douglas D. Phelps  
4

5  
6 s\ Thomas J. Hanlon  
7 THOMAS J. HANLON  
8 Assistant United States Attorney  
9 United States Attorney's Office  
10 402 E. Yakima Ave., Suite 210  
11 Yakima, WA 98901  
12 (509) 454-4425  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28